

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**CITY COUNCIL MEETING**

**TUESDAY, MARCH 22, 2016 – 7:00 P.M.**

President Fraim called the meeting to order at 7:00 p.m.

The opening prayer was offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to excuse Mrs. Graves from today's meeting.

**Motion adopted.**

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the release, subject to a certain condition, of a fifteen foot permanent utility easement and a fifteen foot permanent access easement over property owned by **LG Capital, LLC**, located at **4621 Pretty Lake Avenue** in the City of Norfolk.

Thereupon, an Ordinance entitled, “An Ordinance approving the release, subject to a certain condition, of a fifteen foot permanent utility easement and a fifteen foot permanent access easement over property owned by LG Capital, LLC located at **4621 Pretty Lake Avenue** in the City of Norfolk; and authorizing the City Manager to execute and appropriate Deed of Release on behalf of the City,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a text amendment to Table 6-A, “Commercial Districts Table of Land Uses,” and Section 25-10.9, “**Tattoo Parlor and Tattoo School**,” within the *Zoning Ordinance of the City of Norfolk, 1992*, to allow “Tattoo Parlor/School” in the C-2 (Corridor Commercial) District by Special Exception, and to amend the 1,000 foot minimum separation requirement between Tattoo Parlors/Schools.

Ellis James, 2021 Kenlake Place, spoke in opposition to this matter.

Katie Schemmel, 714 Wingfield Avenue, spoke in favor of this matter.

Thereupon, an Ordinance entitled, “An Ordinance to amend Table 6-A and Section 25-10.9 of the Zoning Ordinance of the City of Norfolk, 1992, **SO AS TO** allow “Tattoo Parlor/School” in the C-2 (Corridor Commercial) District by Special Exception and to remove the 1,000 foot minimum separation requirement between Tattoo Parlors/School,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

#### PH-3

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Tarrants Bay, LLC** for a change of zoning from I-4 (Waterfront Industrial) District to Conditional D-5 (Fort Norfolk) District on property located at **151 Riverview Avenue**.

Howard Gordon, attorney for the applicant, 1700 Dominion Tower, Norfolk, 23510 was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **151 Riverview Avenue** from I-4 (Waterfront Industrial) to Conditional D-5 (Fort Norfolk) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

#### PH-4

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Cristina Angelo** for a change of zoning from I-2 (Light Industrial) District to Conditional C-2 (Corridor Commercial) District on property located at **2410-2414 Colonial Avenue and 433-435 W. 25<sup>th</sup> Street**.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **2410 to 2414 Colonial Avenue and 433 to 435 West 25<sup>th</sup> Street** from I-2 (Light Industrial) District to Conditional C-2 (Corridor Commercial) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

**PH-4A**

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit Mixed Uses on property located at **2410 Colonial Avenue and 433 to 435 West 25<sup>th</sup> Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

**PH-4B**

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as “Mea Culpa” on property located at **2410 Colonial Avenue and 433 to 435 West 25<sup>th</sup> Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-5

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Andalousi** for a change of zoning from R-8 (Single-Family) District to Conditional C-1 (Limited Commercial) District on property located at **2729 Bowdens Ferry Road**.  
(The applicant requested to continue this matter to April 12, 2016 as his parking arrangements were not yet finalized.)

**ACTION:** The Public Hearing was continued to April 12, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-6

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Vistacor Advisors, LLC**, for a change of zoning to modify the conditions on property zoned Conditional C-2 (Corridor Commercial) District on property located at **2315, 2401, 2419, 2501, 2517, 2601, 2605, and 2613 Hampton Boulevard, 1250 West 24<sup>th</sup> Street, 1215, 1217, 1221, and 1225 West 25<sup>th</sup> Street, 1204, 1207 and 1209 West 26<sup>th</sup> Street, and 2330 Bowdens Ferry Road**.

Thomas Harris, 1231 W. 27<sup>th</sup> Street, spoke in favor of this matter.

Thomas Tingle, 4350 Newtown Road, Williamsburg and David Clarke, 9562 28<sup>th</sup> Bay Street, were present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone properties located at **2315, 2401, 2419, 2501, 2517, 2601, 2605, and 2613 Hampton Boulevard, 1250 West 24<sup>th</sup> Street, 1215, 1217, 1221, and 1225 West 25<sup>th</sup> Street, 1204, 1207 and 1209 West 26<sup>th</sup> Street, and 2330 Bowdens Ferry Road** in order to change conditions on property zoned conditional C-2 (Corridor Commercial) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-7

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Land Disposition and Development Contract** with Ocean View Properties, Inc. for two parcels of land consisting of a total of 3.7 acres, more or less, and located at **719 E. Ocean View Avenue**.

**(The developer has requested to continue to May 10, 2016)**

**ACTION:** The Public Hearing was continued to May 10, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-8

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Pinewell Station** for a) an amendment to the City's Future Land Use Map within the general plan, *plaNorfolk2030*, from Open Space/Recreation and Commercial to Multifamily; b) a text amendment to the City's *Zoning Ordinance* to create PD-R Pinewell Station (Pinewell Station Residential Planned Development) district and c) for a change of zoning from C-2 (Corridor Commercial) and OSP (Open Space Preservation) Districts to PD-R Pinewell Station (Pinewell Station Residential Planned Development) District on property located at **600 and 719 East Ocean View Avenue**.

**(The developer has requested to continue to May 10, 2016)**

**ACTION:** The Public Hearing was continued to May 10, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting with appreciation the donation to the City of a K-9 dog having a value of approximately \$7,000 from Dr. Caesar DePaco and Mrs. Deanna Padovani-DePaco for the **Norfolk Police Department K-9 Program**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a policing in the **21<sup>st</sup> Century Grant Award** of \$10,000.00 from the **Virginia Department of Criminal Justice Services for the Police Athletic League and Business Watch Programs**, appropriating and authorizing the expenditure of the grant funds and authorizing the expenditure of \$500.00 from previously-appropriated funds as a local cash match for the programs,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance finding a public necessity for the acquisition in fee simple of certain property located at **316 and 318 Brockwell Avenue** for the purpose of construction of a retention pond; approving the acquisition of the property by **Purchase Agreement or Condemnation**; and authorizing the expenditure of a sum of up to \$46,000.00 from funds heretofore appropriated for acquisition of the property and all related transactional costs,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City to enter into a **Performance Agreement** with the Economic Development Authority of the City of Norfolk and Colonna’s Ship Yard, Incorporated,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-5

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain Section 28-11 and Section 28-12 (a) of the Norfolk City Code, 1979 concerning indecent exposure and public nudity **SO AS TO** add an exception to conform with the Code of Virginia regarding breastfeeding,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-6

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Office Depot, Inc.** in the amount of \$3,592.82, plus interest, based upon the overpayment of its Business License Tax for the year 2015,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.



R-7

A Resolution entitled, “A Resolution appointing or reappointing 69 persons to 12 Boards, 8 Commissions and 1 Authority for certain terms,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None

### **NEW BUSINESS**

The following persons spoke in support of retirees receiving a cost of living adjustment in the upcoming fiscal year

1. Tom Luckman, 3192 Gallahad Drive, Virginia Beach.
2. Charles Britt, 2535 Woolsey Street.
3. Jim Shepard, 8167 Harwood Court.
4. Stephen Taylor, 330 West Brambleton Avenue, #915.
5. Joseph George, 1447 Westover Avenue.
6. Maggie Byrum, 3800 Davis Street.
7. Danny Lee Ginn, 3844 Dare Circle.